

Introduced by Senators Ackerman and Perata

January 10, 2005

An act to add Section 89510.5 to, and to repeal Sections 84200.3 and 84200.4 of, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as introduced, Ackerman. Political Reform Act of 1974.

(1) Existing provisions of the Political Reform Act of 1974 require a candidate for elective office to establish a campaign contribution account in a financial institution within this state, into which all contributions shall be deposited, except as specified. The act provides that all contributions deposited into the campaign account shall be deemed held in trust for expenses associated with election of the candidate or for expenses associated with holding office.

This bill would provide that a contribution solicited in writing by a candidate or committee on behalf of an identified committee or for a particular election is presumed to be made to that committee or for that election, if made in the name of the committee or in response to a solicitation from the committee. It would state that this provision is declaratory of existing law.

(2) Existing provisions of the act require certain candidates and committees to file campaign statements in connection with a statewide direct primary election held in March, as well as in June, of an even-numbered year, as specified. State law, effective January 1, 2005, requires that the statewide primary election be held in June of an even-numbered year (Ch. 817, Stats. 2004).

This bill would repeal provisions of the act requiring the filing of campaign statements in connection with a statewide direct primary election held in March of an even-numbered year.

(3) Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate certain provisions of this bill.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 89510.5 is added to the Government
2 Code, to read:

3 89510.5. (a) A contribution solicited in writing by a
4 candidate or committee on behalf of an identified committee or
5 for a particular election shall be presumed to be made to that
6 committee or for that election, if made in the name of the
7 committee or in response to a solicitation from the committee.

8 (b) The Legislature finds and declares that subdivision (a) is
9 declaratory of existing law.

10 SEC. 2. Section 84200.3 of the Government Code is repealed.

11 ~~84200.3. (a) In connection with a statewide direct primary~~
12 ~~held in March of an even-numbered year, and any other election~~
13 ~~held on the same day as that election, the following candidates~~

1 ~~and committees shall file campaign statements pursuant to~~
2 ~~Section 84200.4 for the calendar year prior to the election:~~

3 ~~(1) All candidates who have filed or are required to file a~~
4 ~~statement of intention pursuant to Section 85200 in connection~~
5 ~~with the election, their controlled committees, and committees~~
6 ~~primarily formed to support or oppose those candidates.~~

7 ~~(2) Committees formed pursuant to subdivision (a) of Section~~
8 ~~82013 that are primarily formed to support the qualification,~~
9 ~~passage, or defeat of a measure being voted upon in the election.~~

10 ~~(3) State and county general purpose committees formed~~
11 ~~pursuant to subdivision (a) of Section 82013, except that a~~
12 ~~committee covered by this subdivision is not required to file~~
13 ~~pursuant to subdivision (a) of Section 84200.4 if it has not made~~
14 ~~contributions or independent expenditures totaling five hundred~~
15 ~~dollars (\$500) or more during the period July 1 through~~
16 ~~September 30.~~

17 ~~(4) City general purpose committees formed pursuant to~~
18 ~~Section 82013, except that a committee covered by this~~
19 ~~subdivision is not required to file pursuant to subdivision (a) of~~
20 ~~Section 84200.4 if it has not made contributions or independent~~
21 ~~expenditures totaling five hundred dollars (\$500) or more during~~
22 ~~the period July 1 through September 30.~~

23 ~~(5) Candidates and committees not covered under paragraphs~~
24 ~~(1) to (4), inclusive, that make contributions totaling five~~
25 ~~thousand dollars (\$5,000) or more to an elected state officer, a~~
26 ~~candidate for elective state office, his or her controlled~~
27 ~~committee, or a committee primarily formed to support or oppose~~
28 ~~any elected state officer or candidate for elective state office~~
29 ~~during the period July 1, through September 30 or July 1 through~~
30 ~~December 31.~~

31 ~~(6) Any slate mailer organization that produces a slate mailer~~
32 ~~supporting or opposing a candidate or measure being voted on in~~
33 ~~the election if the slate mailer organization receives payments~~
34 ~~totaling five hundred dollars (\$500) or more from any person for~~
35 ~~the support of or opposition to a candidate or ballot measure in~~
36 ~~one or more slate mailers, or expends five hundred dollars (\$500)~~
37 ~~or more to produce one or more slate mailers.~~

38 ~~(b) A candidate, committee, or slate mailer organization~~
39 ~~required to file a campaign statement pursuant to this section is~~
40 ~~not required to file a campaign statement pursuant to Section~~

1 ~~84200 or 84218 for the period ending December 31 of the year~~
2 ~~prior to the statewide direct primary election.~~

3 ~~(c) A candidate or committee who has filed a campaign~~
4 ~~statement pursuant to this section is not required to file additional~~
5 ~~statements pursuant to Section 84202.3, 84202.5, or 84202.7.~~

6 SEC. 3. Section 84200.4 of the Government Code is repealed.

7 ~~84200.4. In addition to other reports required under this~~
8 ~~chapter, campaign statements shall be filed as follows in~~
9 ~~connection with a statewide direct primary election held in~~
10 ~~March of an even-numbered year or any other election held on~~
11 ~~that date:~~

12 ~~(a) For the period ending September 30 of the year prior to the~~
13 ~~election, a statement shall be filed no later than October 10 for~~
14 ~~the period ending September 30.~~

15 ~~(b) For the period ending December 31 of the year prior to the~~
16 ~~election, a statement shall be filed no later than January 10 of the~~
17 ~~year of the election.~~

18 SEC. 4. The Legislature finds that there is no mandate
19 contained in this act that will result in costs incurred by a local
20 agency or school district for a new program or higher level of
21 service which require reimbursement pursuant to Section 6 of
22 Article XIII B of the California Constitution and Part 7
23 (commencing with Section 17500) of Division 4 of Title 2 of the
24 Government Code.

25 SEC. 5. The Legislature finds and declares that the provisions
26 of this act further the purposes of the Political Reform Act of
27 1974 within the meaning of subdivision (a) of Section 81012 of
28 the Government Code.

29 SEC. 6. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety
31 within the meaning of Article IV of the Constitution and shall go
32 into immediate effect. The facts constituting the necessity are:

33 To clarify existing law regarding contributions to political
34 candidates and the filing of campaign statements, it is necessary
35 that this act take effect immediately.